

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, Applicant will address each of the Examiner's objections in the order they were discussed in the Official Action.

**In the Specification**

A. The specification has been amended at page 1, line 3, to correct the genus and species designation of 'Fisupnic Tallred'.

B. The specification has been amended at page 3, lines 4-7, to clarify the botanical comparison of the patented *Impatiens* cultivar 'Fisnics Red' to the new *Impatiens* cultivar, 'Fisupnic Tallred'.

C. The specification has been amended at page 3, lines 8-10, to clarify the botanical comparison of the unpatented, parental *Impatiens* cultivar 'Fisimp 171' to the new *Impatiens* cultivar, 'Fisupnic Tallred'.

D. The specification has been amended at page 10, line 4, to correct the typographical misspelling of the term "branches".

E. The specification has been amended at page 5, to insert after line 4, a description for the lower surface color of the foliage of 'Fisupnic Tallred'.

F. The specification has been amended at page 5, lines 6-8, to clarify the vein color of the foliage of 'Fisupnic Tallred'.

G. The specification has been amended at page 5, line 16, to clarify the “Number of Flowers and Arrangement per Lateral Branch” description of ‘Fisupnic Tallred’.

H. The specification has been amended at page 5, to insert after line 16, both a “Flower Longevity” and “Fragrance” description of ‘Fisupnic Tallred’.

I. The specification has been amended at page 6, line 6, to clarify the spur color of ‘Fisupnic Tallred’.

J. The specification has been amended at page 6, to insert after line 19, a “Seed/Fruits” description of ‘Fisupnic Tallred’.

K. The specification has been amended at page 6, line 20, to clarify that no additional information is available regarding the disease/pest resistance and susceptibility of ‘Fisupnic Tallred’.

In addition, the Applicant has amended the specification at page 1, line 7, to remove the italics formatting on the terms “New Guinea”.

In addition, the Applicant has amended the specification to correct any spacing or typographical errors.

#### **In the Claim**

L. The Claim has been amended to remove the italics formatting on the terms “New Guinea”.

#### **In the Abstract**

L. The Abstract has been amended at page 8, line 2, to remove the italics formatting on the terms “New Guinea”.

The Abstract has further been amended at page 8, line 4, to clarify the flower color of ‘Fisupnic Tallred’.

Due to the number of changes and/or corrections, Applicant hereby files a Substitute Specification containing no new matter. The Examiner is authorized to cancel the specification as filed in favor of the attached Substitute Specification.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

*Michael M. Peet*  
Reg. No. 34,717

Date Sept 14, 2005

By \_\_\_\_\_

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